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1916 (pp. 25, 26); mention of *Goldfarb v. Bartlett*⁶ (pp. 63, 64, 65, 111), which holds that notice of dishonor to a continuing partner is also notice to the retiring partner, but that an extension of time on a firm bill made before the retirement discharges the retiring partner, inasmuch as he is now considered in the position of a surety; and references to three less important cases⁷ (pp. 76, 78, 111 note).

This new edition of Pollock has especial value for American readers because the Uniform Partnership Act has recently been adopted by several of the most important commercial states. Many sections of the English statute have sufficient resemblance to our own to render Pollock's citations and discussions helpful to the American practitioner. It is to be hoped that we shall soon have an annotated edition of the Uniform Partnership Act similar to Brannan's *Negotiable Instruments Law*. Under each section of our act might be placed the American cases construing it, the corresponding section of the English Act with the English cases and perhaps mention of the comments of Pollock and other English writers, and finally, an abstract of the discussion of this particular American section by Dean Lewis and Professor Crane in their recent articles.⁸

It is impossible to read over the English and American partnership statutes without experiencing once more the keenest regret that the draftsmen deliberately chose to disregard the usage of business men. It is a serious step backward to ask our legislatures to deny the distinction between the firm and the partners just as the courts were gradually beginning to take the business point of view. Consider, for example, section 17 of the Uniform Partnership Act:

"Sec. 17. *Liability of Incoming Partner.* A person admitted as a partner into an existing partnership is liable for all the obligations of the partnership arising before his admission as though he had been a partner when such obligations were incurred, except that this liability shall be satisfied only out of partnership property."

The business principle is that the incoming partner is not liable. The English Act, section 17 (1), so states. The American act, because of its hostility to the entity view, commits the absurdity of saying that he is liable and then showing that he is not. The English Act also avoids the unfortunate language of section 25 of the American statute, that a partner is co-owner of specific partnership property as tenant in partnership. The business view that the property and obligations are those of the firm would reach the same practical results as those stated in section 25 as the incidents of the partner's "tenancy," and will also reach a sound result in situations not expressly covered by this section, in which the underlying theory of the American statute would defeat business understanding. On the other hand, the Uniform Act has at least two great advantages—partnership land is treated as personalty, and the separate creditor of a partner, instead of levying upon the partnership assets, acquires simply a charging lien. Both these provisions are in accordance with the English statute, and the English decisions will be of especial value on these important topics.

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The Debates in the Federal Convention of 1787 which Framed the Constitution of the United States of America. Reported by James Madison. Edited by Gaillard Hunt and James Brown Scott, for the Carnegie Endowment for International Peace. New York, Oxford University Press, 1920. pp. xcvi, 731. No student of American constitutional history needs now to be told of the

⁶ [1920] 1 K. B. 639.

⁷ *Pearce v. Bulteel* [1916] 2 Ch. 544, 556; *Peake v. Carter* [1916] 1 K. B. 652; *Dickson v. National Bank of Scotland* [1917, H. L.] S. C. 50.

⁸ (1915) 24 YALE LAW JOURNAL, 617; (1911) 60 U. P. L. REV. 93; (1915) 28 HARV. L. REV. 762; (1915-16) 29 *id.* 158, 291, 838.

unique value of Madison's full and careful record of the debates and proceedings of the Convention which framed our federal Constitution. The special value of any particular reprint of that record depends upon the faithfulness and intelligence with which Madison's manuscript is reproduced and upon the satisfactoriness of the physical make-up of the printed reproduction. The earlier editions of the *Debates* were made, directly or indirectly, from a transcript of Madison's manuscript. Although the transcript had been made under Madison's supervision, the numerous variations between the transcript and the original make it a matter of importance to have a satisfactory reprint made directly from the original manuscript.

Since the discovery that the earlier texts were made from the transcript, and prior to the publication of the volume in hand, three important editions of the *Debates* have appeared. Two of these were made directly from the original manuscript; these are the text appearing in Volume III of the *Documentary History of the Constitution* (published by the State Department in 1900) and that appearing in Volumes I and II of *The Records of the Federal Convention of 1787*, edited by Max Farrand (Yale University Press, 1911). The third of these later texts is that appearing in Volumes III and IV of *The Writings of James Madison*, edited by Gaillard Hunt (published in 1902 by G. P. Putnam's Sons, the two volumes containing the *Debates* being later, in 1908, published separately); this edition used the original manuscript only by taking a printed text made from the transcript and then correcting that text by comparison with the original manuscript. None of these three editions has supplied the need for a reliable and convenient edition of Madison's report. That of the *Documentary History* contains a considerable number of errors and presents a confusing appearance because of the forms in which it indicates the alterations and additions which Madison made in his manuscript several decades after his first writing. The text in the Farrand volumes contains an entirely faithful record of the manuscript as actually corrected by Madison and indicates Madison's alterations in simple and satisfactory form; but as the Madison record is presented together with all other records, split up and arranged chronologically by days, the Farrand text does not provide—as, of course, it was not intended to provide—a handy edition of Madison's report. The method followed in the Hunt reproduction did not result in the elimination of all of the errors of the early printed edition which he used.

The volume under review appears to fulfill most of the requirements of a satisfactory edition of Madison's *Debates*. The text is made from the original manuscript as later corrected by Madison; and in foot-notes the variations in the transcript from the original manuscript are noted. Exceptional precautions appear to have been taken in order to escape all errors. The only criticism that can be offered against the form of the text is that, in order to give it a perfectly smooth appearance, all indications as to where Madison's later alterations appear, are omitted; the manuscript as it finally left Madison's hands is followed, with nothing to show what parts remain as he wrote them originally at the time of the Convention and what parts were changed or added by him in later years. It would seem that every studious reader of the *Debates* is entitled to have constantly clear to him what parts constitute a strictly contemporaneous record made from the author's immediate observation, and what parts were added at a considerably later period on the basis of notes and observations which the author had through these later years garnered from the briefer records of other observers. The text as given in the Farrand volumes shows that this important information can be supplied without any great sacrifice in the appearance of the text.

In addition to the *Debates* the volume under review contains other useful materials. There is a brief introductory note by Mr. Scott on "The Federal Convention in 1787 as an International Conference." Under "Antecedents to the

Federal Convention" there are presented, besides the usual documents, the Proceedings of the Annapolis Convention, credentials of the delegates to the Federal Convention, and Major Pierce's character sketches of his fellow members. Following the *Debates* there are printed a few letters by Knox, Jay, Washington, and Madison, relating to the need for constitutional revision, the Pinckney plan, Hamilton's draft, Madison's later notes on his suffrage speech in the Convention, and the records of state ratification. For the *Debates*, the table of contents, arranged by days, appearing in the *Documentary History*, is reproduced; and an apparently adequate index is supplied. The volume is admirable in the appearance of its text and general make-up.

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Safeguards of Liberty, or Liberty Protected by Laws. By W. B. Swaney. New York, Oxford University Press, 1920. pp. xviii, 210.

Taking as his central theme the permanent contributions of Thomas Jefferson to American political thought, Judge Swaney discusses in an accurate and entertaining way the derivation of some of the underlying principles of our modern democracy.

There is a Foreword by Mr. W. G. McAdoo. The book itself consists of four chapters, each of which is a complete monograph, devoted to the Declaration of Independence, to Jefferson's legislative reforms in Virginia, to his contribution to the nation, and to a discussion of the growth and development of civil and religious liberty.

The account of the genesis of the Declaration of Independence is the most valuable part of the work. The antecedents of the Declaration of Independence are not nearly so well understood as those of the Constitution. Whenever it is discussed in any terms other than those of meaningless panegyric, it is usually considered as a theoretical and abstract statement of the rights of man, the product of the mind of a single individual. Judge Swaney, however, although he does not claim for Jefferson any originality of doctrine, does specifically point out that, possessed of a literary power which few Americans have equaled, Jefferson gave an elegant forum to the principles of the most advanced English political theories. His merit was in giving to already extant radical political conceptions a trenchant and compelling statement. The practical aspect of the document, as the party platform of a radical minority presenting their cause in the best possible light, is not overlooked. The greatest service of the Declaration was as most persuasive propaganda, which served the two-fold purpose of aiding in turning a minority into a majority and of committing its supporters beyond the possibility of compromise with the home government. That it so well served its purpose is largely due to Jefferson.

Judge Swaney holds that next to the drafting of the Declaration of Independence, the most important work of Jefferson was done in liberalizing legislation in Virginia. He gives an excellent account of this work, especially of the laws proposed by the committee of which Jefferson was chairman, including the repeal of the law of entails, abrogation of the law of primogeniture, and the establishment of religious freedom. The author also includes an accurate synopsis of the Virginia Bill of Rights, the significance and influence of which has not been adequately recognized by historians. A single reading of this chapter can not fail to convince one that the states have not taken advantage of the proffered opportunities for progressive legislation. It is one of the defects of our dual system that the federal government usually draws exclusively to itself the great public-spirited men who otherwise might, like Jefferson, render invaluable service to their home states.